



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TYRONE H. MASSEY,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.  
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20-CV-7622 (LTS) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On July 26, 2021, Defendants filed a motion to dismiss the amended complaint. On September 10, 2021, without seeking leave of court, Plaintiff filed a Second Amended Complaint ("SAC"). The SAC no longer includes New York City as a defendant, thereby addressing one of two points in the Defendants' pending motion to dismiss. The Court deems Plaintiff's filing of the SAC as a request to file an amended complaint, which the court GRANTS, thereby making the SAC the currently operative complaint. By September 23, 2021, Defendants shall file a letter stating whether they (1) withdraw the pending motion to dismiss, or (2) with respect to the SAC, stand on their motion to dismiss papers already on file, or (3) if withdrawing the motion to dismiss, whether they plan to file a motion to dismiss the SAC, and, if so, proposing a briefing schedule.

SO ORDERED.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: September 16, 2021  
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is respectfully requested to mail a copy of this Order to the pro se Plaintiff.